

Recommendation Report for Planning Permission

REF NO: BE/9/19/PL

LOCATION: Bognor Regis Flying Club
LEC Airfield
Railside Retail Park
Shripney Road

PROPOSAL: Steel portal frame hangar. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The development is for a single hangar in an area of amenity grassland in the eastern extent of the airfield. The hangar would be 12.04m wide, 18.3m deep with a shallow pitched roof 3.7m high to the eaves and 6.3m to the pitch; 10% of the roof plane would be covered with roof-lights and the rest with natural grey profile fibre cement. The hangar would be clad with a grey trapizoidal profile plastisol coated vertical steel. Double tracked sliding doors would be inserted to the front elevation. The hangar would be within 35m to the north and 45m to the south-east form the Lindsey Rife, accessed over airfield.
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Scattered scrub along eastern boundary with reeds along the Lindsey Rife
SITE CHARACTERISTICS	The site is located to the north of Bognor Regis and the hangar would be sited amenity grassland within the eastern extent of airfield.
CHARACTER OF LOCALITY	LEC Airfield is situated between the rails and the river with two statutory designated sites within a 2km radius of the site; Felpham Site of Special Scientific Interest (SSSI) and Bersted Brooks Local Nature Reserve (LNR). In addition, the Lidsey Rife (adjacent to the west of the site) is classified as a Biodiversity Opportunity Area by the Sussex Biodiversity Partnership.

RELEVANT SITE HISTORY

FP/109/14/PL	Construction of an unmetalled maintenance access track	ApproveConditionally 28-08-14
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Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council has raised no objection.

2 letters of objection:-

Lidsey Rife, close to where the proposed hanger is to be located is an important area for wildlife. Protected species including water voles, bats and protected birds have been seen there and several species of bird breed there including Cetti's warbler, Reed warbler, Sedge warbler, Reed bunting, Moorhen and Mallard. Any disturbance especially during the breeding season would be detrimental. There would be less environmental impact further south and on the railway side of the airfield.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant submitted an Ecological Appraisal which concluded that the majority of the habitat present within the site has been assessed as being of low ecological value and does not provide the habitat characteristics to support protected and notable species and are not connected to areas of suitable habitat in the wider landscape. The site has therefore been assessed as providing negligible suitability to support protected and notable species.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

Environment Agency

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Environment Agency - no objections. The site is located in Flood Zone 3, however the development is classed as less vulnerable and no habitable accommodation is planned. The location of the site proposed is also within a reasonable distance from the main river, so it does not require a Flood Risk Activity Permit (FRAP).

Engineers:- Happy with the supplied documents. Therefore, I remove my request for a condition. If the application is to be approved please reference C1214-100-Drainage Layout in the list of approved plans.

Ecology: No objection, subject to conditions

Economic Regeneration; no objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted; The applicant has provided a supplied documents and comments in response to the

Surface Water Drainage Checklist and an up-dated Ecology Report.

POLICY CONTEXT

Designation applicable to site:

Outside built up area

2 km Buffer for Site of Special Scientific Interest

Gap between settlement

Biodiversity Opportunity Area

Economic allocation

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
ENVSP1	ENV SP1 Natural Environment

[Bersted Neighbourhood Plan 2014 Policy CLW3](#)

Sport and Leisure Provision

Bersted Neighbourhood Plan 2014 Policy ES1

Design of new development

Bersted Neighbourhood Plan 2014 Policy ES7

Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Bersted has made a Neighbourhood Plan and the relevant policies are CLW3, ES1, ES3 and ES7.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area and Biodiversity Opportunity Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The development consist of the construction of a hanger within an area of amenity grassland within the eastern extent of the airfield. The site is located outside of the built-up area boundary as set out within both the Bersted Neighbourhood Development Plan (BNDP) and the Arun Local Plan (ALP).

Policy C SP1 stresses that outside the Built-Up Area Boundaries (as identified on the Policies Maps) development will be permitted subject the proposed development falls into one of the categories a.-f. The proposed development falls into the categories b. and d. of the above policy C SP1, since the gliding can be consider as a quiet , informal recreation and would benefit the diversification of the rural economy. The proposal is therefore appropriate development by virtue of being outside the built up area boundary.

The application is located within the Felpham to Bognor Regis/Bersted strategic gap as identified by policy SD SP3 . The policy aims to maintain and protect the gap between settlements.

The hanger has a minimal impact on the character and appearance of the gap and given the low profile nature and use of suitable materials will not compromise the objectives and fundamental integrity of the strategic gap. It is not considered that the proposal would lead to a significant loss of countryside.

It is considered the development would not harm the strategic gap and would not lead to an unacceptable loss of countryside.

CHARACTER OF THE COUNTRYSIDE

ALP policy D DM1 states that development should "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design

features." Also that it should "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area."

The proposed hanger would be of a simple design and materials appropriate for its function, would be of an acceptable size and the colour that would be blended with the surrounding environment. It is considered that this will ensure that it will only be visible to persons standing close to it and therefore will have no impact on the character of the countryside, therefore being in accordance with ALP policy D DM1.

As such, it is not considered that its siting in this location will be harmful to the character and appearance of the countryside.

BIODIVERSITY:

Policy ENV SP1 states that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment; policy ENDV DM3 carries on by requiring development to retain and sympathetically incorporate locally valued and important habitats and be design in order to minimise disturbance to habitats.

There are two statutory designated sites within a 2km radius of the site; Felpham Site of Special Scientific Interest (SSSI) and Bersted Brooks Local Nature Reserve (LNR). In addition, the Lidsey Rife is classified as a Biodiversity Opportunity Area Felpham SSSI and Bersted LNR are both designated for the presence of particular flora and habitats.

These sites are situated over 1km from the proposed location for the hanger with no direct links connecting these designated areas with the site. The construction of the proposed hanger is not considered to have any direct or indirect impact to the integrity of these sites. The majority of the habitat present within the site has been assessed as being of low ecological value and do not provide the habitat characteristics to support protected and notable species and are not connected to areas of suitable habitat in the wider landscape. the site has therefore been assessed as providing negligible suitability to support protected and notable species; the conclusion of submitted Ecological Appraisal.

There are liquids that have any environmental implications, there is no fuel water to contend with on site Welfare provision is simply a Disabled size Portable unit serviced regularly by the rental company.

The Ecology Officer raised no objection subject to the conditions. It is not considered that there is risk of pollution to the local ecosystem or direct impact to the integrity of designated areas and hence no harm to biodiversity. The proposal is therefore in accordance with these policies.

SUMMARY:

Considering the above the proposal comply with ALP policies and it is therefore recommended that permission is granted subject to the following conditions and informatives.

TECHNICAL ISSUES

The applicant has supported the application with a suite of documents relating to flood risk, ecology, and drainage. The application does not present any significant technical issues and will not lead to increased flood risk, or significant risk in ecological terms.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Plan and Block Plan GS/7711

The plan showing 'Common Side Elevation' , 'Double tracked sliding doors', Rear Elevation, Roof/Roof Plan

and description of material used as submitted with original plans.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The surface water drainage scheme which consists of the following drawing:

C1214-100-Drainage Layout

shall be installed prior to the first occupation of the building and maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 4 The development shall be carried out in accordance with Ecological Appraisal submitted with this application.
- Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.
- 5 Due to the potential presence of water voles within the Lidsey Rife no works can take place within this ditch or area and a 5m buffer should be set up from the ditch bank. If any works need to take place in this area, full activity surveys for water voles will be required.
- Reason: To safeguard the ecology of the area, and in the interests of water voles to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan.
- 6 The hedgerows on site will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m). Any gaps should also be filled in using native hedge species to improve connectivity. Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. A bat box shall be installed on a mature tree facing south/south westerly positioned 3-5m above ground within one year of the implementation of the permission.
- Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan.
- 7 To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.
- Reason: To safeguard the ecology of the area, and in the interests of reptiles to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan.
- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 9 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- We require that a bat box is installed on a mature tree facing south/south westerly positioned 3-5m above ground.
- 10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 11 INFORMATIVE: Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.